

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.11522 Open burning of grass clippings or leaves; open burning of household waste; materials; violation; extension of prohibition to materials not listed in subsection (3); open burning of wooden fruit or vegetable storage bins constructed from untreated lumber; requirements; effect of local ordinance; burning of United States flag.

Sec. 11522. (1) The open burning of grass clippings or leaves is prohibited in any municipality having a population of 7,500 or more, unless specifically authorized by local ordinance, which ordinance shall be reported to the department of natural resources within 30 days of enactment.

(2) Subsection (1) does not permit a county or municipality to authorize open burning of grass clippings or leaves by an ordinance that would otherwise be prohibited under part 55 or rules promulgated under that part.

(3) Beginning 180 days after the effective date of the amendatory act that added this subsection, a person shall not conduct open burning of household waste that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials.

(4) Sections 11546 and 11549 do not apply to an individual who violates subsection (3) by open burning of waste from that individual's household. Such an individual is responsible for a state civil infraction and is subject to the following:

- (a) For a first offense within a 3-year period, a warning by the judge or magistrate.
- (b) For a second offense within a 3-year period, a civil fine of not more than \$75.00.
- (c) For a third offense within a 3-year period, a civil fine of not more than \$150.00.
- (d) For a fourth or subsequent offense within a 3-year period, a civil fine of not more than \$300.00.

(5) Notwithstanding section 5512, the department shall not promulgate or enforce a rule that extends the prohibition under subsection (3) to materials not listed in subsection (3).

(6) This part, part 55, or rules promulgated under this part or part 55 do not prohibit a person from conducting open burning of wooden fruit or vegetable storage bins constructed from untreated lumber if all of the following requirements are met:

- (a) The burning is conducted for disease or pest control.
- (b) The burning is not conducted at any of the following locations:

(i) Within a priority I area as listed in table 33 or a priority II area as listed in table 34 of R 336.1310 of the Michigan administrative code.

(ii) In a city or village.

(iii) Within 1,400 feet outside the boundary of a city or village.

(7) Subsections (5) and (6) do not authorize open burning that is prohibited by a local ordinance.

(8) A congressionally chartered patriotic organization that disposes of an unserviceable flag of the United States by burning that flag is not subject to regulation or penalty for violating a state law or local ordinance pertaining to open burning of materials or substances.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2012, Act 102, Imd. Eff. Apr. 19, 2012.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act